

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL

October 25, 2010

The **Regular Monthly Meeting of Berkeley County Council** was held on Monday, **October 25, 2010**, at 6:33 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

PRESENT: Mr. Daniel W. Davis, Chairman; Mr. Caldwell Pinckney, Jr., Council Member District No. 7, Vice Chairman; Mr. Phillip Farley, Council Member District No. 1; Mr. Timothy J. Callanan, Council Member District No. 2; Mr. Robert O. Call, Jr., Council Member District No. 3; Mr. Dennis L. Fish, Council Member District No. 5; Mr. Jack H. Schurlknight, Council Member District No. 6; Mr. Steve C. Davis, Council Member District No. 8; Ms. Nicole Scott Ewing, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Mrs. Cathy S. Davis, Council Member District No. 4, was excused from this meeting.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

CALL TO ORDER

Chairman Daniel Davis called the meeting to order.

APPROVAL OF MINUTES

Chairman Daniel Davis asked for approval of minutes from a Public Hearing on the South Carolina Jobs Economic Development Authority Bond (Medical Society of South Carolina Project), Public Hearings Numbered 10-30, 10-31, 10-32 and 10-33, and a Regular Meeting of Council held September 27, 2010.

It was moved by Council Member Farley and seconded by Council Member Steve Davis to **approve** the **minutes** as presented. The motion passed by unanimous voice vote of Council.

PUBLIC DISCUSSION

Public Discussion commenced at 6:34 p.m.

Mr. Terry Hardesty: "My name is Terry Hardesty. I reside at 325 West Main Street, Moncks Corner. I'm a Berkeley County School Board Member until the election, and then I'm gonna retire from the school board. On your agenda is the ordinance to redistribute money from fee-in-lieu, and I would, basically, want to give you guys some information, because I think a couple Council Members came to our meeting that we had scheduled. I'm sorry you missed the

joint meeting, but it was very informative. Over the last three years, the school district has cut about \$30,000,000 out of its budget, because we have had huge decreases in funding from the state due to Act 388. We expect that – we know we’re gonna lose \$12,000,000 next year from stimulus money, and we’re already working on trying to figure out how we’re gonna make additional cuts to do that. In addition to that, we have a potential up to ten or twelve million dollars more from the state. So, the school district is in really difficult financial position. We’ve cut 4.8 million dollars and 88 positions out of the administration. We are cutting things that are beginning to affect classroom teaching, and I guess, an abomination, but that’s the situation the district is in through no fault of its own. I think our district has been fairly strong in keeping its finances in check, and I think we’ve weathered this probably better than a lot of school districts in the state, but Act 388 limits what we can do with revenue and taxing. We’re not allowed that tax on rocky pie property, so if we impose a tax increase, it only goes to six percent property, and we’re very limited in that. Now, Act 388 was the penny sales tax that was supposed to replace our revenue. Well, that was replaced one year, dollar for dollar. Every year since has been reduced. So, any growth that happens in this County at this point in time causes the school district more stress, because we don’t have enough, we’re not generating enough money to cover those students. So, anything you do as a Council that brings in growth, actually right now, harms the school district. I know that may sound funny, but that’s the fact. So, I urge you to hold the school harmless in any funding cuts. And, if you don’t, what, in effect, you are doing is forcing the school district to pass your tax increase, because we’ll have to raise taxes. And, I don’t believe it’s the school district’s responsibility to be in the business of economic development. I think it’s our business to be teaching your children. And, I take this – you know, I hope Council’s hearing what I’m saying, because it is a dire situation for the school district. We are laying people off, and we’re affecting the education of the children in this County. And, this ripple, by the way, is going to be felt by this County for decades, because these kids are gonna grow up, and some of them aren’t gonna get the education they need, and it’s gonna harm this County. Thank you.”

Chairman Daniel Davis: “Thank you.”

Council Member Callanan: “Thank you.”

Chairman Daniel Davis: “Anyone else?”

Mr. Hardesty: “I’ll – I’ll entertain any questions if you have them, and be glad to get you answers if I don’t have them.”

There were no questions.

Mr. Hardesty: “Thank you.”

Chairman Daniel Davis: “Anyone else that wishes to address Council?”

Public Discussion concluded at 6:38 p.m.

EXECUTIVE SESSION

It was moved by Committee Member Farley and seconded by Committee Member Pinckney to enter into Executive Session to discuss matters relating to the proposed location, expansion, or provision of services encouraging location or expansion of industries or other businesses in the area served by the County; discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property; receipt of legal advice where the legal advice relates to a pending, threatened or potential claim; other matters covered by the attorney/client privilege; settlement of legal claim, or the position of the County in other adversarial situations involving the assertion against the County of a claim. The motion passed by unanimous voice vote of the Committee.

Council entered into Executive Session at 6:39 p.m., and returned to its Regular Session at 7:26 p.m.

Ms. Nicole Scott Ewing, County Attorney: “Yes, Mr. Chairman, Council went into Executive Session for the reasons stated in the motion. No action was taken.”

Chairman Daniel Davis: “Thank you. We advertise this; for quite some time since I’ve been in office, we’ve had comments from folks regarding the comment period after the meeting, that there really isn’t enough time, and it’s very late, and they don’t get to express their opinions, because they can’t stay up that late. So, beginning tomorrow evening, once a quarter, we will have a forum. I will host it, but we will have a forum in this room where you will have more time to express your opinions about matters. It really won’t be a question and answer period, but just to give you an opportunity at a reasonable hour to express your concerns. We will begin that tomorrow evening at 6:00 (p.m.).”

CHAIRMAN OF COUNTY COUNCIL

THIRD READING:

“BILL NO. 10-34, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #180-14-01-038.”
(Lloyd Driggers, Jr.)

It was moved by Council Member Schurlknight and seconded by Council Member Farley to **approve Bill No. 10-34** for **Third Reading**. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 10-10-32 is attached to these minutes.)

“BILL NO. 10-35, A SEVENTH SUPPLEMENTAL ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BERKELEY COUNTY, SOUTH CAROLINA, COMBINED UTILITY SYSTEM REFUNDING REVENUE BOND, SERIES 2010, IN THE PRINCIPAL AMOUNT OF \$1,695,000, FOR THE PURPOSE OF REFUNDING THE

COUNTY'S \$1,695,000 SOLID WASTE SYSTEM REVENUE BOND, SERIES 2005; AND OTHER MATTERS RELATING THERETO."

It was moved by Council Member Callanan and seconded by Council Member Fish to approve Bill No. 10-35 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 10-10-33 is attached to these minutes.)

"BILL NO. 10-36, AN ORDINANCE TO AMEND CERTAIN SECTIONS OF ORDINANCE NO. 09-11-55, THE ARTERIAL ROADS OVERLAY ORDINANCE, AND ORDINANCE NO. 01-08-35, THE BERKELEY COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE, AS AMENDED, ADDING ARTERIAL ROADS TO THE OVERLAY DISTRICT AND PROVIDING FOR THE REGULATION OF TEMPORARY SIGNAGE WITHIN THE OVERLAY DISTRICT."

It was moved by Council Member Schurlknight and seconded by Council Member Farley to approve Bill No. 10-36 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 10-10-34 is attached to these minutes.)

"BILL NO. 10-31, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #161-14-00-024 AND #161-14-00-025."

(John & Lucretia Winningham)

It was moved by Council Member Schurlknight and seconded by Council Member Pinckney to approve Bill No. 10-31 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 10-10-35 is attached to these minutes.)

"BILL NO. 10-32, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #175-00-01-064."

(Johnnie Capers for Leonard Boyd and Jack Pryor)

It was moved by Council Member Farley and seconded by Council Member Pinckney to approve Bill No. 10-32 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 10-10-36 is attached to these minutes.)

Berkeley County Council Rules allow all bills to be given Second Reading by one motion as a collective group. Any member may object to a particular bill, and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

“BILL NO. 10-37, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #271-00-02-184.”

(Daniel Gowdown & Franklin Hanna)

“BILL NO. 10-39, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #271-00-01-034.”

(Nathaniel Myers)

“BILL NO. 10-40, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #271-00-02-148.”

(Howard & Kay Krauss)

It was moved by Council Member Schurlknight and seconded by Council Member Farley to **approve Bills Numbered 10-37, 10-39 and 10-40 for Second Reading** by one motion. The motion passed by unanimous voice vote of Council.

“BILL NO. 10-38, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #209-02-01-067.”

(Marion & Kelley Hall)

It was moved by Council Member Schurlknight and seconded by Council Member Farley to **approve Bill No. 10-38 for Second Reading**.

Council Member Fish: “Mr. Chairman?”

Chairman Daniel Davis: “Mr. Fish.”

Council Member Fish: “Madame Clerk, in regard to the vote to this matter before me tonight, I request, I wish to be recused; recusal signed form is on file.”

The motion passed by majority voice vote of Council.

“BILL NO. 10-42, AN ORDINANCE TO AMEND THE BERKELEY COUNTY ZONING CODE AS ADOPTED IN ORDINANCE NO. 01-08-35, ADOPTED AUGUST 27, 2001, ZONING AND DEVELOPMENT STANDARDS ORDINANCE, “BERKELEY COUNTY ZONING ORDINANCE” AND AS SUBSEQUENTLY AMENDED, BY REPEALING ARTICLE 18 IN ITS ENTIRETY AND REPLACING IT WITH A REVISED ARTICLE 18.”

Chairman Daniel Davis: “Bill No. 10-42 was held in Committee earlier this evening, and we won’t have Second Reading on it at this time.”

FIRST READING:

Chairman Daniel Davis stated there was one bill for First Reading. *(Bills for First Reading are not discussed or voted upon. The bills are read into the record by title only and, thereafter, sent to the proper Committee for further consideration.)*

“BILL NO. 10-41, AN ORDINANCE PROVIDING FOR THE ALLOCATION OF REVENUES GENERATED BY THE BERKELEY/WILLIAMSBURG JOINT INDUSTRIAL AND BUSINESS PARK; REPEALING ORDINANCE NO. 96-01-02, AS AMENDED IN ITS ENTIRETY; AND REPEALING ALL RESOLUTIONS PERTAINING TO THE ALLOCATION OF REVENUES GENERATED BY THE JOINT INDUSTRIAL AND BUSINESS PARK IN THEIR ENTIRETY.”

RESOLUTIONS:

“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2010-2011 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved by Council Member Pinckney and seconded by Council Member Fish to approve the resolution providing for a transfer of funds in the 2009-2010 Berkeley County Budget. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 10-43 is attached to these minutes.)

“RESOLUTION OF THE COUNTY COUNCIL OF BERKELEY COUNTY, SOUTH CAROLINA, APPROVING THE ASSESSMENTS AS SET FORTH IN THE ASSESSMENT ROLL OF THE JEDBURG ROAD IMPROVEMENT DISTRICT AND THE JEDBURG ROAD IMPROVEMENT PLAN, AS ADOPTED BY COUNTY COUNCIL IN ORDINANCE NUMBER 09-02-05, PURSUANT TO TITLE 4, CHAPTER 35, OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED.”

It was moved by Council Member Pinckney and seconded by Council Member Fish to approve the resolution approving the assessments as set forth in the assessment roll of the Jedburg Road Improvement District and the Jedburg Road Improvement Plan. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 10-44 is attached to these minutes.)

Chairman Daniel Davis: “I have – I would entertain – this is not on the agenda – without objection, I would entertain a motion to authorize the Insurance Revenue Fund Judgment in the matter of Moultrie vs Berkeley County, South Carolina, Civil Action Number 210-2584.”

It was moved by Council Member Pinckney and seconded by Council Member Call to approve the authorization of Insurance Revenue Fund Judgment in the matter of Moultrie vs

Berkeley County, SC, Civil Action Number 210-2584. The motion passed by unanimous voice vote of Council.

REPORTS FROM STANDING COMMITTEES

Committee on Finance

Council Member, Mr. Jack H. Schurlknight, Chairman

Chairman Schurlknight: “Mr. Chairman, the Committee on Finance met earlier this night. All matters before the Committee have been addressed on this night’s agenda.”

(That concluded Chairman Schurlknight’s report.)

Committee on Land Use

Council Member, Mr. Phillip Farley, Chairman

Chairman Farley: “Mr. Chairman, the Committee on Land Use met on October 11th and earlier this night, ~~and all the matters have been held until next month.~~”

Minutes corrected: November 22, 2010:

I stated that all matters had been held until next month, actually all matters had been addressed earlier during the regular council meeting that evening.

(That concluded Chairman Farley’s report.)

Committee on Public Works and Purchasing

Council Member, Mr. Robert O. Call, Jr., Chairman

Chairman Call: “Mr. Chairman, the Committee on Public Works and Purchasing met on October 11th and earlier this evening.”

a. Scrap Metal and White Goods Contract

Chairman Call: “On recommendation of the Committee, I move to **award** the contract for scrap metal and white goods to Charleston Steel & Metal, in the amount of 115.15 percent, based on the American Metal Market.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

b. Passenger and Skidder Tire Removal Contract

Chairman Call: “On recommendation of the Committee, I move to **award** the contract for passenger tire removal to Ridge Recycling, in the amount of \$89.64 per ton, and the skidder tire removal to Carolina Contracting, in the amount of \$160.00 per ton.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

**c. HVAC Systems for Goose Creek Library (Lot 1)
Maude Callen Building (Lot 2)**

Chairman Call: “Also, on recommendation of the Committee, I move to **award** the contract for the HVAC replacement at the Berkeley County Maude Callen Building (Lot #2) to Triad Mechanical Contractors for \$110,827.00.” (No second required.)

The motion passed by majority voice vote of Council.

(That concluded Chairman Call’s report.)

**Committee on Justice and Public Safety
Council Member, Steve C. Davis, Chairman**

Acting Chairman Farley: “Mr. Chairman, the Committee on Justice and Public Safety met on October 11th.”

**a. Approval to Receive a Justice Assistance Grant (JAG)
Berkeley County Clerk of Court’s Office**

Acting Chairman Farley: “On recommendation of the Committee, I move to **approve** the acceptance of a Judicial Assistance Grant for the Clerk of Court’s Department, in the amount of \$87,400.00, with matching funds in the amount of \$4,600.00, to come from the Clerk of Court Budget.” (No second required.)

**b. Berkeley/Dorchester Hazard Mitigation Plan Presentation
Chris Wittaker, Berkeley/Charleston/Dorchester Council of Governments**

Acting Chairman Farley: “Mr. Chris Wittaker with COG (Berkeley/Charleston/Dorchester Council of Governments), provided the committee with a presentation in regard to the Berkeley/Dorchester Hazard Mitigation Plan. No action was required.”

(That concluded Chairman Steve Davis’ report.)

**Committee on Water and Sanitation
Council Member, Mr. Timothy J. Callanan, Chairman**

Chairman Callanan: “Mr. Chairman, the Committee on Water and Sanitation met on October 11th. All matters before the Committee have been addressed earlier.”

(That concluded Chairman Callanan’s report.)

Committee on Planning and Development
Council Member, Mrs. Cathy S. Davis, Chairman

No report

Committee on Community Services
Council Member, Mr. Caldwell Pinckney, Jr., Chairman

Chairman Daniel Davis: "Mr. Chairman, the Committee on Community Services met on October 11, 2010. All matters before the Committee have been addressed earlier."

(That concluded Chairman Pinckney's report.)

Committee on Human Services
Council Member, Mr. Dennis L. Fish, Chairman

Chairman Fish: "Mr. Chairman, the Committee on Human Services met on October 11, 2010. All matters before the Committee have been addressed earlier."

(That concluded Chairman Fish's report.)

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

Council Member Call: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Call."

Council Member Call: "Charleston Area Transportation Study, I would like to re-nominate the Supervisor for another term. His term expired last December, 2009."

Chairman Daniel Davis: "Ok; are there any others?"

Council Member Call: "I don't know how long the term is for. Do you?"

Chairman Daniel Davis: "I don't really understand why – Mr. Callanan and I were appointed."

Council Member Callanan: "Yeah; together."

Council Member Call: "That's something that stays for the duration of the two-year Council, right?"

Ms. Barbara Austin, Clerk of Council: [Inaudible]

Chairman Daniel Davis: “Ok; well, this was for me to be re-appointed.”

Ms. Austin: [Inaudible]

Chairman Daniel Davis: “Ok; alright; if it’s ok, then we’ll just hold that. Technically, I think our rules say until someone’s replaced, they serve anyway, so I think I’m still a voting member of CHATS. So, we’ll check that out. Were there any others?”

There were no other nominations.

CORRESPONDENCE – none

UNFINISHED BUSINESS – none

NEW BUSINESS – none

ANNOUNCEMENTS

The November 2010 Regular Meeting of Berkeley County Council will be held on Monday, November 22, 2010 immediately following Public Hearings and any scheduled Committee Meetings at 6:00 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, SC.

ADJOURNMENT

It was moved by Council Member Farley and seconded by Council Member Call to **adjourn** the Regular Meeting of Council. The motion passed by unanimous voice vote of Council.

Meeting adjourned at 7:40 p.m., for the execution of documents by Council.

PUBLIC DISCUSSION – none

S/Barbara B. Austin, CCC
Clerk of Council

November 22, 2010
Date Approved